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September 5, 2006

FILED

SEP - 6 2006

Marvin I. Kron, Jr.
Western Energy Co.
P O Box 99, Castle Rock Road
Colstrip MT 59323

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

Re: Reesor v. State Fund
WCC No. 2002-0676

Dear Mr. Kron:

On 8/15/06, I received your undated letter requesting voluntary dismissal of Western Energy Company from the Reesor Common Fund action. I am sorry that I am unable to oblige. Although I admit to some confusion regarding this issue, I am concerned that the dismissal of Western Energy may allow the State Fund an opportunity to argue that the State Fund is not responsible for Western Energy claimants. I know that A.R.M. 24.5.301(4) states that I only need to join the insurer; however, some of these claims pre-date that regulation. "In the olden days," we joined the employer in each action; therefore, I would rather be safe than sorry. As such, I cannot agree to the voluntarily dismissal of Western Energy from the above-captioned cause. Thank you.

Sincerely yours,

Thomas J. Murphy

TJM/ljp
cc: ~~Workers Compensation Court~~

DOCKET ITEM NO. 442